

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 13, 2002

DIVISION ONE

B152460 Geneveva Anaya et al. (Certified for Publication)
 v.
 Superior Court, Los Angeles County
 (City of Los Angeles et al., r.p.i.)

The petition is granted, and a writ shall issue commanding the superior court (1) to vacate its order granting the City's motion for summary adjudication and (2) to issue a new order denying the City's motion. Plaintiffs are entitled to their costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

B149096 Pedus Building Services, Inc.
 v.
 Allen

Filed order certifying opinion for publication.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

DIVISION THREE (Continued)

Each of the following:

B147837 People v. Patrick
B148544 People v. Lopez
B148512 People v. Ervin
B144883 People v. Samuel
B148873 People v. Hesse
B147030 People v. Harrod
B150872 Children and Family Services v. Teia Z.
B152330 Children and Family Services v. Maria L.
B151146 People v. Hugo C.
B151485 People v. Fairmon
B147681 People v. James R.
B151020 People v. Andrade
B150749 People v. Morris
B150728 People v. Barnes
B150096 People v. Hopkins
B151618 People v. Jones
B151053 People v. Thompson

Argument waived, cause submitted.

B151130 Cardinale
 v.
 Hearn

Merits:

Argued by Allan Herzlich for respondent. No appearance made for appellant. Cause submitted.

B144487 Noohi
 v.
 Grossman

Merits:

Argued by John Carvallo for appellants and by Thomas H. Wolfson for respondent. Cause submitted.

DIVISION THREE (Continued)

B148227 Rim
 v.
 Olympic Convalescent Hospital

Merits:
Argued by Vip Bhola for appellant and by Tracy Turner and George
Nowotny for respondent. Cause submitted.

B148888 O'Donnell
 v.
 Kuykendall et al.

Merits:
Argued by Rodney W. Wickers for appellant and by Charles H. Bell, Jr. for
respondents. Cause submitted.

B144259 Swink
 v.
 County of Los Angeles

Merits:
Argued by Johanna M. Fontenot for appellant and by Geoffrey C.
Mousseau for respondent. Cause submitted.

B140449 People
B148779 v. Ramirez
B154228 Ramirez v. S.C.L.A. (The People)

Merits:
Argued by Jerome P. Wallingford for petitioner/appellant and by Theresa
A. Cochrane, deputy attorney general, for real party in interest/respondent.
Cause submitted.

DIVISION THREE (Continued)

B140616 Interworld Events, Inc.
 v.
 Harary

Merits:
Argued by Raymond P. Sierralta for appellant and by Jeremy B. Kline for respondent. Cause submitted.

Court recessed at 11:25 A.M.

Court reconvened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B152145 Bahena
 v.
 Clinica Medican San Miguel, et al.

Appearances:
Gilberto A. Chavez for appellant and by Tracy Turner for respondents.
Matter continued to the March calendar pending settlement of the matter, dismissal to be filed.

B149062 People
 v.
 Peralta

Merits:
Argued by Ava Stralla for appellant and by Suzanne E. Papagoda, deputy attorney general, for respondent. Cause submitted.

DIVISION THREE (Continued)

B150660 Hardt
v.
Medpartners et al.

Merits:
Argued by Cindy Robbins for appellants and by James Godes for respondents. Cause submitted.

B155351 Ivory B.
v.
Superior Court, Los Angeles County
(Children and Family Services, r.p.i.)

Merits:
Argued by Ivory B., petitioner in propria persona, and by Arezoo Pichvai, deputy county counsel, for real party in interest. Cause submitted.

B144230 Yemen
v.
Countrywide Home Loans, Inc., et al.

Merits:
Argued by Motaz M. Gerges for appellant and by Jonathan M. Turner for respondents. Cause submitted.

Court adjourned at 3:15 P.M.

B146167 People (Not for Publication)
v.
Hugo Aaron Sosa

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B148643 People
 v.
 Sanchez

Filed order denying petition for rehearing.

B146094 People (Not for Publication)
 v.
 Taylor

The judgment is reversed and the matter is remanded with directions to reinstate appellant's pro per status and to conduct further proceedings consistent with this opinion.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B143267 Bates
 v.
 Los Angeles County MTA

Filed order denying petition for rehearing.

DIVISION FIVE

B148326 People (Not for Publication)
 v.
 Trujillo

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Mosk, J.

DIVISION FIVE (Continued)

B140227 Angela Hughes (Not for Publication)
 v.
 Home Savings of America, FSB

The order denying the motion for a judgment notwithstanding the verdict of defendant, Home Savings of America, FSB, as to the racial harassment and discrimination claims of plaintiff, Angela Hughes is reversed. On remand, the trial court is directed to vacate its new trial order and to enter a judgment notwithstanding the verdict in defendant's favor. Defendant is to recover its costs on appeal from plaintiff.

Turner, P.J.

We concur: Grignon, J.
 Mosk, J.

B150428 People (Not for Publication)
 v.
 Blancarte

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B152632 People (Not for Publication)
 v.
 Sharpe

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B148319 People (Not for Publication)
v.
Martinez

The clerk of the superior court is directed to prepare a new amended abstract of judgment showing that appellant (1) was convicted by jury; (2) received two 1-year enhancement terms pursuant to section 667.5, subdivision (b); (3) has actual local time of 207 days and local conduct credits of 102 days for 309 total days of credit for time spent in custody; and (4) has a total prison term of 8 years. The clerk is then directed to deliver a copy of this amended abstract to the Department of Corrections. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B144584 Braga (Not for Publication)
v.
VMR Capital Markets, U.S.

The order denying the motion to compel arbitration is affirmed. Plaintiff, Isabel Braga, is to recover her costs on appeal from defendant, VMR Capital Markets, U.S. (formerly doing business as Century City Securities, Inc.).

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed. The clerk of the superior court shall prepare and deliver to the department of Corrections an amended abstract of judgment which states: defendant's stayed sentence as to count 1 was for 7 years plus 2 years pursuant to Penal Code section 186.22, subdivision (b)(1), and 1 year pursuant to Penal Code section 12022, subdivision (a)(1), for a total of 10 years. Further, the abstract of judgment must be corrected to delete the notation that defendant was sentenced pursuant to Penal Code section 667, subdivisions (b) through (i), or 1170.12.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

B142374 People (Not for Publication)
v.
Carcamo

The judgment is modified to reflect that defendant is to receive no presentence conduct credits. As modified, the judgment is affirmed. The superior court clerk is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

February 13, 2002-Continued

DIVISION FIVE (Continued)

B147996 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Mosk, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Perren, J. and G. Bents, Deputy Clerk.

B151888 Human Services Agency
v.
Glennis P.

Merits:
Argued by Joseph J. Randazzo, assistant county counsel, for respondent.
Argument waived by appellant. Cause submitted.

B151217 Marriage
 of
 Bower

Merits:
Argued by George H. Hultman for appellant and by Wendy C. Lascher for respondent. Cause submitted.

DIVISION SIX (Continued)

B143868 McGowen
 v.
 Higbee

Merits:

Argued by Thomas J. Jeffers for appellant, by Eric A. Woosley for respondents Higbee, et al., by Susan H. McCollum for respondents McFadden, et al., and by Michael A. Colton for respondent Aijian. Cause submitted.

B149194 Castillo
 v.
 Bishop Diego Garcia High School

Merits:

Argued by George L. Wittenburg for appellant, by Michaeline Abate Re for respondent Castillo, and by Gary S. Grubacich for respondent Orduno. Cause submitted.

B147899 Ogilvie
 v.
 Mail Boxes, Etc.

Merits:

Argued by Charles E. Ruben for appellants, by Bruce Alan Finck for respondents Mail Boxes, Etc., et al. and by Kay S. Kuns for respondents Luis, Bourdon & Breault. Cause submitted.

Court recessed at 11:05 P.M.

DIVISION SIX (Continued)

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B148018 Harris v. Sandro

Argument continued to March, 2002.

B147908 Levingston
v.
Santa Barbara Co. Employees' Retirement System

Merits:

Argued by Russell R. Ghitterman for appellant and by Alan A. Blakeboro for respondent. Cause submitted.

B146568 Environmental Coalition of Ventura Co.
v.
City of Moorpark

Merits:

Argued by Bruce Peotter for appellants and cross-respondents Hidden Creek Ranch Partners, by Richard L. Francis for respondent and cross-appellant Environmental Coalition of Ventura County, and by Joseph Buchman for respondents and cross-respondents City of Moorpark. Argument previously waived by cross-respondents Taylor Woodrow Homes, Inc. Cause submitted.

Yegan, J. left the bench.

DIVISION SIX (Continued)

B148040 Fujiwara
v.
The Berryman, Inc.

Merits:
Argued by John V. Hager for appellant and by Richard H. Loomis for respondent. Cause submitted.

Court adjourned at 2:20 P.M.

B153145 People
v
Jackson

Filed order granting motion to vacate dismissal and reinstate appeal.
Appeal filed September 14, 2001 is reinstated.

DIVISION SEVEN

B150060 People (Not for Publication)
v.
Gabriel Xavier Villegas

The judgment is affirmed.

Perluss, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B150343 People (Not for Publication)
v.
Alfredo Beltran Rodriguez

The judgment is affirmed.

Perluss, J.

We concur: Lillie, P.J.
Woods, J.

B138066 Hashimoto (Not for Publication)
v.
Republic Insurance Company

The judgment on the jury verdict is modified to reverse the jury's finding of comparative bad faith. The jury's award of \$4,450,000 on the Hashimotos' cause of action for bad faith is reinstated in full without reduction for Matt's alleged comparative bad faith of 25 percent. As so modified, the judgment on the jury verdict is affirmed in its entirety. The judgment dismissing Matt Horeczko's complaint is affirmed, as are all post-judgment orders of the trial court. The Hashimotos are awarded their costs of appeal. All other parties shall bear their own costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Perluss, J.

DIVISION SEVEN (Continued)

B153355 Mercurio (Certified for Publication)

v.

Superior Court, Los Angeles County
(Countrywide Securities Corp., r.p.i.)

Let a peremptory writ of mandate issue directing the trial court to vacate its August 3, 2001 order compelling arbitration in Los Angeles County Superior Court case number BC247459. Costs are awarded to petitioners.

Johnson, Acting P.J.

We concur: Woods, J.
 Perluss, J.

B141742 People (Not for Publication)

v.

Chatmajian

The \$200 parole revocation fine imposed against appellant Hubbard pursuant to section 1202.45 is stricken. As so modified, the Hubbard judgment is affirmed. The clerk of the Superior Court is directed to prepare an amended abstract of judgment in Hubbard's case and to forward it to the Department of Corrections.

The judgments against appellants Chatmajian and Vasilaros are affirmed in their entirety.

Johnson, Acting P.J.

We concur: Woods, J.
 Perluss, J.